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## Council resolutions outside of meeting

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### Executive Summary

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. This paper notes any such resolutions made by the Council since its last meeting (23 March 2023) these are:

1. The Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023.

Council agreed to seek an increase to the HCPC's registration fees at its February 2023 meeting. Following this, the Department of Health and Social Care (DHSC) provided draft rules reflecting this decision for the Council's approval in late April.

Members agreed to make the rules by correspondence. Following this, DHSC had some further minor changes, due to time pressures and given that the amendments did not change the meaning or outcome of the rules the Senior Council member agreed the minor revisions in the Chair's absence as her designated deputy for the period.

The relevant supporting documents provided to members when proposing the resolution are appended.

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Previous consideration	Considered by Council by correspondence.
Decision	To note. The Council passed the resolution by correspondence.
Next steps	Rules will be progressed for laying.
Strategic priority	Priority 5 - Build a resilient, healthy, capable and sustainable organisation.
Financial and resource implications	Outlined in the supporting decision paper.
Author	Claire Amor, Executive Director of Governance Assurance and Planning <a href="mailto:Claire.amor@hcpc-uk.org">Claire.amor@hcpc-uk.org</a>

## Council resolutions without meeting

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. For a resolution to be valid the following conditions must be met:

- the Chair’s consent must be given to circulate the resolution; and
- at least three quarters of the Council must state their agreement to pass the resolution.

Resolutions passed without meeting are recorded by the Secretary to Council and must be reported at the next meeting of the Council.

Requested by	Claire Amor, Executive Director of Governance, Assurance and Planning
Resolution	
<p>The Council approved The Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023.</p> <p>Approval outside of meeting was sought due to time restrictions.</p>	
Date passed	26 April 2023, amended 16 May 2023

**2023 No. 0000**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**HEALTH PROFESSIONS**

**The Health and Care Professions Council (Miscellaneous  
Amendment) Rules Order of Council 2023**

<i>Made</i>	- - - -	<i>16th May 2023</i>
<i>Laid before Parliament</i>		<i>18th May 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>18th May 2023</i>
<i>Coming into force</i>		<i>1st July 2023</i>

At the Council Chamber, Whitehall, the [xxth] day of May 2023

By the Lords of His Majesty's Most Honourable Privy Council

The Health and Care Professions Council has made the Health and Care Professions Council (Miscellaneous Amendment) Rules 2023 which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5) and 41(2) of the Health Professions Order 2001(a).

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups referred to in articles 7(3) and 41(3) of that Order.

In accordance with articles 41(1) and 42(1) of that Order, the Rules shall not come into force until approved by Order of the Privy Council.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 and comes into force on 1st July 2023.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

**Privy Council approval**

2. Their Lordships, having taken the Rules contained in the Schedule to this Order into consideration, are pleased to, and do approve them.

(a) S.I. 2002/254, amended by S.I. 2009/1182; there are other amending instruments, but none is relevant.

## SCHEDULE

Article 2

### The Health and Care Professions Council (Miscellaneous Amendment) Rules 2023

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5) and 41(2) of the Health Professions Order 2001.

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups referred to in articles 7(3) and 41(3) of that Order.

#### **Citation and commencement**

1. These Rules may be cited as the Health and Care Professions Council (Miscellaneous Amendment) Rules 2023 and come into force on 1st July 2023.

#### **Amendments to the Health and Care Professions Council (Registration and Fees) Rules 2003**

2.—(1) The Health and Care Professions Council (Registration and Fees) Rules 2003(a) are amended as follows.

- (2) In rule 14 (registration fee)—
  - (a) in paragraph (a), for “£98.12” substitute “£117.74”;
  - (b) in paragraph (b), for “£196.24” substitute “£235.48”.
- (3) In rule 15 (renewal fee), for “£196.24” substitute “£235.48”.
- (4) In rule 15A (readmission fee), for “£147.18” substitute “£176.62”.
- (5) In rule 16 (restoration fee), for “£147.18” substitute “£176.62”.
- (6) In rule 17 (scrutiny fees)—
  - (a) in paragraph (1), for “£68.68” substitute “£82.42”;
  - (b) in paragraph (2), for “£539.65” substitute “£647.58”.

#### **Amendments to the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003**

3. In the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003(b)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 8(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) after rule 8A (vulnerable witnesses), insert—

- (a) Rules as set out in the Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 (S.I. 2003/1572), the relevant amending instrument is S.I. 2021/170.
- (b) Rules as set out in the Schedule to the Health Professions Council (Investigating Committee) Procedure Rules Order of Council 2003 (S.I. 2003/1574). Rule 2A is inserted, and a relevant amendment is made to rule 8, by S.I. 2021/27.

### **“Meetings**

**8B.**—(1) The Chair, in the case of a preliminary meeting, and the Committee, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”.

### **Amendments to the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003**

**4.** In the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003(**a**)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 10(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) after rule 10A (vulnerable witnesses), insert—

### **“Meetings**

**10B.**—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”;

- (d) in rule 13(10) (review of orders and applications for restoration to the register), for “Subject to rule 2A, a” substitute “A”.

### **Amendments to the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003**

**5.** In the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003(**b**)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 10(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) after rule 10A (vulnerable witnesses), insert—

### **“Meetings**

**10B.**—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”;

- (d) in rule 13(10) (review of orders and applications for restoration to the register), for “Subject to rule 2A, a” substitute “A”.

- (a) Rules as set out in the Schedule to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1575). Rule 2A is inserted, and a relevant amendment is made to rule 10, by S.I. 2021/27.
- (b) Rules as set out in the Schedule to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1576). Rule 2A is inserted, and a relevant amendment is made to rule 10 by S.I. 2021/27.

## Amendments to the Health Professions Council (Registration Appeals) Rules 2003

6. In the Health Professions Council (Registration Appeals) Rules 2003(a)—
- (a) omit rule 2A (emergency virtual meetings and hearings);
  - (b) in rule 14(1) (conduct of hearing), for “Subject to rule 2A(2)(b), the” substitute “The”;
  - (c) after rule 14 (conduct of hearing), insert—

### “Meetings

14A.—(1) The Chair, in the case of a preliminary meeting, and the Appeal Panel or the Council, where the Council considers an appeal itself, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”.

Given under the seal of the Health and Care Professions Council [DD Month YYYY].



*Christine Elliott*  
Chair

*Andrew Smith*  
Registrar

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order approves various Rules made by the Health and Care Professions Council (“HCPC”).

The Rules in paragraph 2 of the Schedule amend the Health and Care Professions Council (Registration and Fees) Rules 2003, scheduled to the Health Professions Council (Registration and Fees) Rules Order of Council 2003. Those Rules amend the fees which the HCPC charges for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.

Paragraph 2(2) of the Schedule increases the two-yearly fee for registration in the register maintained under the Health Professions Order 2002 (S.I. 2002/254) to £117.74 (an increase of £9.81 per year) for those qualified for up to two years; and to £235.48 (an increase of £19.62 per year) for everyone else.

Paragraph 2(3) increases the renewal fee to £235.48 (an increase of £39.24).

Paragraph 2(4) and (5) increase fees for readmission and restoration to the register from £147.18 to £176.62 (an increase of £29.44), in addition to the registration fee.

- (a) Rules as set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 (S.I. 2003/1579). Rule 2A is inserted, and a relevant amendment is made to rule 14 by S.I. 2021/27.

Paragraph 2(6) increases the scrutiny fees paid by all new applicants, whose qualifications, and in some cases experience, need to be assessed. The scrutiny fee for applicants who have successfully completed an approved UK programme of education and training is increased to £82.42 (an increase of £13.74). The scrutiny fee for international applicants is increased to £647.58 (an increase of £107.93).

The Rules in paragraphs 3 to 6 of the Schedule make amendments to the procedural rules for the HCPC's three Practice Committees, which conduct fitness to practise proceedings, and the procedural rules for its Appeal Panel, which hears appeals against registration decisions. The rules being amended are the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003, the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003, the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 and the Health Professions Council (Registration Appeals) Rules 2003. The amendments to all four sets of procedural rules are in the same form and involve the same key change. Instead of limiting virtual meetings and hearings to emergencies, they confer a general power for the committee concerned and the Appeal Panel to hold meetings or hearings virtually (using audio or video conferencing facilities). Notwithstanding the omission of rule 2A in each set of procedural rules, the amendments do not make changes to rules regarding holding meetings or hearings in private (which are separately provided for outside of each rule 2A).

A full impact assessment of the effect that the changes to fees under this instrument will have on the costs of business, the voluntary sector and the public sector is available at:

<https://www.hcpc-uk.org/globalassets/resources/2023/consultation-on-changes-to-fees-analysis-and-decisions.pdf#page=49>.